



03-18-04

41

Atty. Dkt. No. 047711-0214

3742

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ronald J. LEBEL, et al.

Title: AMBULATORY MEDICAL APPARATUS AND METHOD USING A ROBUST COMMUNICATION PROTOCOL

Appl. No.: 09/768,035

Filing Date: 1/22/2001

Examiner: Daniel Leon Robinson

Art Unit: 3742

**CERTIFICATE OF EXPRESS MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office To Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450.

EV 420555635 US March 17, 2004  
(Express Mail Label Number) (Date of Deposit)

Jose Ramos  
(Printed Name)

*Jose Ramos*  
(Signature)

Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Transmitted herewith is an amendment in the above-identified application.

Small Entity status under 37 C.F.R. § 1.9 and § 1.27 has been established by a previous assertion of Small Entity status.

Assertion of Small Entity status is enclosed.

The fee required for additional claims is calculated below:

	Claims As Amended	Previously Paid For	Extra Claims Present	Rate	Additional Claims Fee
Total Claims:	33	-	43	= 0	x \$18.00 = \$0.00
Independents:	6	-	4	= 2	x \$86.00 = \$172.00
				First presentation of any Multiple Dependent Claims: +	\$290.00 = \$0.00
				CLAIMS FEE TOTAL	= \$172.00

[ ] Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

[ ] Extension for response filed within the first month:	\$110.00	\$0.00
[ ] Extension for response filed within the second month:	\$420.00	\$0.00
[ ] Extension for response filed within the third month:	\$950.00	\$0.00
[ ] Extension for response filed within the fourth month:	\$1,480.00	\$0.00
[ ] Extension for response filed within the fifth month:	\$2,010.00	\$0.00
	EXTENSION FEE TOTAL:	\$0.00
[ ] Statutory Disclaimer Fee under 37 C.F.R. 1.20(d):	\$110.00	\$0.00
	CLAIMS, EXTENSION AND DISCLAIMER FEE TOTAL:	\$172.00
[ ]	Small Entity Fees Apply (subtract ½ of above):	\$0.00
	TOTAL FEE:	\$172.00

[ X ] Please charge Deposit Account No. 50-0872 in the amount of \$172.00. A duplicate copy of this transmittal is enclosed.

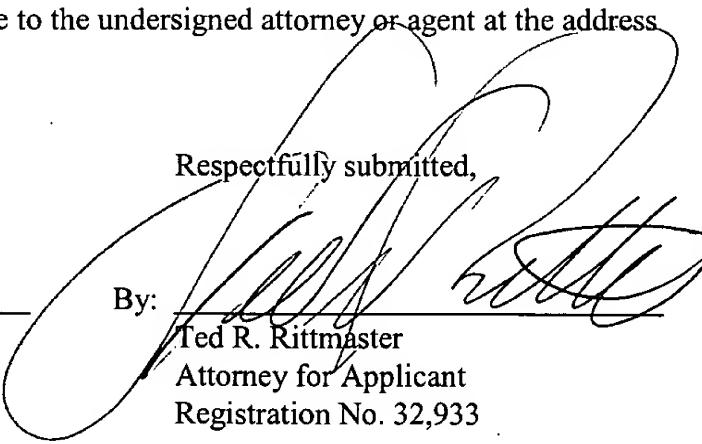
[ ] A check in the amount of \$172.00 is enclosed.

[ X ] The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Date: March 17, 2004  
 FOLEY & LARDNER LLP  
 Customer Number: 23392  
 Telephone: (310) 975-7963  
 Facsimile: (310) 557-8475

Respectfully submitted,

By:   
 Ted R. Rittmaster  
 Attorney for Applicant  
 Registration No. 32,933



Atty. Dkt. No. 047711-0214

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Ronald J. LEBEL, et al.

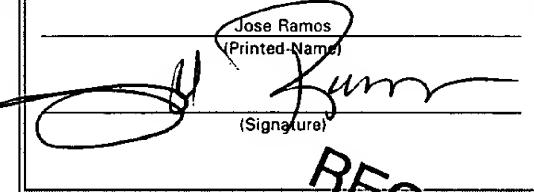
Title: AMBULATORY MEDICAL  
APPARATUS AND METHOD  
USING A ROBUST  
COMMUNICATION PROTOCOL

Appl. No.: 09/768,035

Filing Date: 1/22/2001

Examiner: Daniel Leon Robinson

Art Unit: 3742

<b>CERTIFICATE OF EXPRESS MAILING</b>	
I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office To Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450.	
EV 420555535 US (Express Mail Label Number)	March 17, 2004 (Date of Deposit)
	
Jose Ramos (Printed-Name)	
	(Signature)

AMENDMENT AND REPLY UNDER 37 CFR 1.111

Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

This communication is responsive to the Non-Final Office Action dated December 17, 2004, concerning the above-referenced patent application.

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this document.

**Remarks/Arguments** begin on page 12 of this document.

Please amend the application as follows:

03/19/2004 SZEWDIE1 00000001 500872 9768035

01 FC:1201 172.00 DA

**RECEIVED**  
MAR 23 2004  
TECHNOLOGY CENTER R3700